



## Senate

General Assembly

**File No. 255**

*January Session, 2001*

Substitute Senate Bill No. 1300

*Senate, April 12, 2001*

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE FOR MENTAL AND EMOTIONAL IMPAIRMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subdivision (16) of section 31-275 of the general statutes is repealed  
2 and the following is substituted in lieu thereof:

3 (16) (A) "Personal injury" or "injury" includes, in addition to  
4 accidental injury [which] that may be definitely located as to the time  
5 when and the place where the accident occurred, an injury to an  
6 employee [which] that is causally connected with [his] the employee's  
7 employment and is the direct result of repetitive trauma or repetitive  
8 acts incident to such employment, and occupational disease.

9 (B) "Personal injury" or "injury" shall not be construed to include:

10 (i) An injury to an employee [which] that results from [his] the  
11 employee's voluntary participation in any activity the major purpose

12 of which is social or recreational, including, but not limited to, athletic  
13 events, parties and picnics, whether or not the employer pays some or  
14 all of the cost of such activity;

15 (ii) A mental or emotional impairment, unless such impairment  
16 arises from a physical injury or occupational disease, or from  
17 witnessing the aggravated assault or murder of another employee or a  
18 client, provided such assault or murder is witnessed while in the  
19 course of employment;

20 (iii) A mental or emotional impairment [which] that results from a  
21 personnel action, including, but not limited to, a transfer, promotion,  
22 demotion or termination; or

23 (iv) Notwithstanding the provisions of [clause (i) of this]  
24 subparagraph (B) (i) of this subdivision, "personal injury" or "injury"  
25 includes injuries to employees of local or regional boards of education  
26 resulting from participation in a school-sponsored activity but does not  
27 include any injury incurred while going to or from such activity. As  
28 used in this clause, "school-sponsored activity" means any activity  
29 sponsored, recognized or authorized by a board of education and  
30 includes activities conducted on or off school property and  
31 "participation" means acting as a chaperone, advisor, supervisor or  
32 instructor at the request of an administrator with supervisory  
33 authority over the employee .

**LAB**      **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Potential Significant Cost (General Fund and Special Transportation Fund) and Minimal Cost (Workers' Compensation Administration Fund)

**Affected Agencies:** Workers' Compensation Commission, Various State Agencies

**Municipal Impact:** Potential Significant Cost: STATE MANDATE

**Explanation****State and Municipal Impact:**

This bill could result in potential significant costs to the state and municipalities as employers. It is an un-funded State Mandate on municipalities. It could also result in minimal additional costs to the Workers' Compensation Commission (Workers' Compensation Administration Fund) that could be absorbed within existing resources. The bill makes job-related mental or emotional impairment caused by witnessing the aggravated assault or murder of another employee or client compensable under the workers' compensation law, even if such impairment does not involve a physical injury or occupational disease. This must take place while the claimant is working.

The most recent statistics from the Department of Labor (1999)

indicate that there are about 62,100 state employees and about 123,500 municipal employees. The number of instances involving the aggravated assault or murder of an employee or client in the state or municipal workplace is not known at this time. The number of cases of emotional impairment resulting from these assaults and murders is not known, but many claims could be filed. As impairment claims are filed and standards for compensation are developed, the actual costs would result from the benefit decisions made by the state and municipalities as employers, by workers' compensation insurers and by the Workers' Compensation Commission (WCC). The cost of just one mental and emotional impairment case could be significant to the state, and to municipalities that are self-insured, because these costs would be reflected directly in their experience. It could also result in an increase in the workers' compensation insurance premiums for towns that are insured. Also, additional appeals would result in additional legal costs to the state and municipalities as they participate in the appeals process.

It is also anticipated that there will be an increase in the number of cases brought before the WCC and the Compensation Review Board. They are anticipated to be able to handle the additional caseload within existing resources.

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**OLR Bill Analysis**

sSB 1300

***AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE  
FOR MENTAL AND EMOTIONAL IMPAIRMENTS.***

**SUMMARY:**

This bill makes a job-related mental or emotional impairment caused by seeing the "aggravated assault" or murder of another employee or client compensable under the workers compensation law even if the impairment does not arise out of a physical injury or occupational disease. The witnessing must take place while the claimant is working.

Neither the bill nor existing law defines "aggravated assault".

EFFECTIVE DATE: October 1, 2001

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 12      Nay 2